

Exhibit 4

Barrows, Sarah (OfCnsl-SFO-LT)

From: Christopher S. Walters <CWalters@hansonbridgett.com>
Sent: Wednesday, June 26, 2013 1:40 PM
To: Barrows, Sarah (OfCnsl-SFO-LT)
Cc: Dellamere, Diana M. (LCJD-SFO-GovLP); Garner K. Weng; Cunningham, Blake (Assoc-SFO-IP-Tech)
Subject: RE: Rocket Dog: settlement preparation follow-up

Follow Up Flag: Follow up
Flag Status: Flagged

Sarah,

We are looking at the current case schedule and lining up dates based on an extension to July 31, and based on that schedule we are not really in a position to give that extension at this time. Frankly, we're a little unclear on your client's stance on whether it would like to have a second settlement conference, and the case schedule is somewhat tied to that. If you have anything further on your client's preferences, please let us know and perhaps we can consider some extension and/or seeking to alter the case schedule. If it's easier, perhaps we can plan to talk by phone tomorrow or Friday.

Best,
Chris

Christopher S. Walters

Attorney

Hanson Bridgett LLP
(415) 995-5017 Direct
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cwalters@hansonbridgett.com



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From: barrowss@gtlaw.com [mailto:barrowss@gtlaw.com]
Sent: Monday, June 24, 2013 4:23 PM
To: Christopher S. Walters
Cc: dellamered@gtlaw.com
Subject: RE: Rocket Dog: settlement preparation follow-up

Thank You Chris,

Can you please let us know whether you are willing to extend the deadline for responses to discovery until after we have had the opportunity to speak about settlement again and met again with Judge Vadas. We request an extension until July 31st.

Best,
Sarah

Sarah Barrows
Of Counsel
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Tel 415.655.1251
barrowss@gtlaw.com | www.gtlaw.com



From: Christopher S. Walters [<mailto:CWalters@hansonbridgett.com>]
Sent: Monday, June 24, 2013 3:15 PM
To: Barrows, Sarah (OfCnsl-SFO-LT)
Cc: Dellamere, Diana M. (LCJD-SFO-GovLP)
Subject: RE: Rocket Dog: settlement preparation follow-up

Sarah,

Thanks. We'll get this on file now. I'm checking with Garner on his availability for a call later this week or Monday next week and will get back to you soon.

From: barrowss@gtlaw.com [<mailto:barrowss@gtlaw.com>]
Sent: Monday, June 24, 2013 3:01 PM
To: Christopher S. Walters
Cc: dellamered@gtlaw.com
Subject: RE: Rocket Dog: settlement preparation follow-up

Chris,
Thank you for preparing the stipulation. I do not have any edits. You have my approval to file.

Please let me know before Wednesday whether we can schedule a call to speak on either Thurs/Friday of this week or on Monday July 1st.

Best,
Sarah

Sarah Barrows
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From: Christopher S. Walters [<mailto:CWalters@hansonbridgett.com>]
Sent: Monday, June 24, 2013 2:56 PM
To: Barrows, Sarah (OfCnsl-SFO-LT)
Subject: RE: Rocket Dog: settlement preparation follow-up

Sarah,

I attach a draft stipulation for your review. Feel free to redline it if that's easiest. Judge Vadas's clerk indicated that July 9 would be best for him (as opposed to the week of the 15th), but if that doesn't work for you please let me know. We will attach a conforming proposed order if you approve.

From: barrowss@gtlaw.com [<mailto:barrowss@gtlaw.com>]
Sent: Monday, June 24, 2013 2:44 PM
To: Christopher S. Walters
Subject: RE: Rocket Dog: settlement preparation follow-up

Thank You Chris,

I appreciate it.

From: Christopher S. Walters [<mailto:CWalters@hansonbridgett.com>]
Sent: Monday, June 24, 2013 2:35 PM
To: Barrows, Sarah (OfCnsl-SFO-LT); Cunningham, Blake (Assoc-SFO-IP-Tech)
Cc: Garner K. Weng; Dellamere, Diana M. (LCJD-SFO-GovLP)
Subject: RE: Rocket Dog: settlement preparation follow-up

Sarah,

I'm sorry, but I am just now seeing your request that we prepare a stipulation to seek to continue the call with Judge Vadas. I just spoke with his clerk, who indicated that we should be able to move it to July 9 at 1 p.m. if we can get a stipulation on file soon. I am working on getting a draft to you as soon as possible.

From: barrowss@gtlaw.com [<mailto:barrowss@gtlaw.com>]
Sent: Friday, June 21, 2013 5:32 PM
To: Christopher S. Walters; cunninghamb@gtlaw.com
Cc: Garner K. Weng; dellamered@gtlaw.com
Subject: RE: Rocket Dog: settlement preparation follow-up

Chris,

Perhaps we can look to either Monday or Thursday for a call? I am travelling on Tues/Wed of next week. Monday I have availability between 3-4 p.m. if that works for you.

I think it makes sense to reschedule the call with Judge Vadas for at least two weeks out to let us have an opportunity to talk on at least one more occasion. Could you prepare and circulate the stipulation? Perhaps we can recommend the week of July 15th?

Have a good weekend,
Sarah

Sarah Barrows
Of Counsel

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From: Christopher S. Walters [<mailto:CWalters@hansonbridgett.com>]
Sent: Friday, June 21, 2013 1:20 PM
To: Cunningham, Blake (Assoc-SFO-IP-Tech)
Cc: Barrows, Sarah (OfCnsl-SFO-LT); Garner K. Weng
Subject: RE: Rocket Dog: settlement preparation follow-up

Blake,

We think your suggestion of seeking to move the telephonic conference with Judge Vadas makes sense, and we will join in a stipulation to that effect. Do you prefer a week, or would you rather look for slightly more time?

We are going through the case law you sent over last week and we're in the process of organizing a response that we plan to have to you shortly. Perhaps we can schedule a time for a call next week once we have something for you. If you have thoughts around that, please let us know.

Best regards,
Chris

Christopher S. Walters

Attorney

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From: cunninghamb@gtlaw.com [<mailto:cunninghamb@gtlaw.com>]
Sent: Monday, June 17, 2013 11:55 AM
To: Christopher S. Walters
Cc: barrowss@gtlaw.com; Garner K. Weng
Subject: RE: Rocket Dog: settlement preparation follow-up

CONFIDENTIAL SETTLEMENT COMMUNICATIONS
FED. RULE OF EVIDENCE § 408

Chris and Garner,

Would you have time this week to discuss settlement efforts in the Rocket Dog matter. We have sent you legal support for our positions that (1) the accelerated royalty provision of the License Agreement is not enforceable; and (2) that Section 11.2 of the Agreement, which would bar damages, is enforceable. We would like to better understand your position on these issues. To move the process along, we propose a call towards the end of this week. The best times for us would be Friday between 9:30 and 10:30 or between 12:30 and 2:30. Please let us know your availability.

Also, please let us know once you have considered our proposal regarding moving the telephonic meeting with Judge Vadas back a week.

Thanks

Blake Cunningham
Associate
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Tel 415.655.1318 | Fax 415.358.4996
cunninghamb@gtlaw.com | www.gtlaw.com



From: Christopher S. Walters [<mailto:CWalters@hansonbridgett.com>]
Sent: Friday, June 14, 2013 3:52 PM
To: Cunningham, Blake (Assoc-SFO-IP-Tech)
Subject: RE: Rocket Dog: settlement preparation follow-up

Blake,

Sorry not to get back to you sooner. We can give you a two week extension on GMI's responses for now, and we will be willing to discuss further extensions down the road.

-----Original Message-----

From: Christopher S. Walters
Sent: Thursday, June 13, 2013 03:53 PM Pacific Standard Time
To: 'cunninghamb@gtlaw.com'; Garner K. Weng
Cc: barrowss@gtlaw.com
Subject: RE: Rocket Dog: settlement preparation follow-up

Blake,

Thank you for your follow up. We have just sent another message to our client to confirm whether an extension is agreeable. We will do everything possible to let you know soon. Thank you also for providing additional cases in Sarah's Tuesday e-mail. We are digesting them and hope to have a response soon, whether by phone or in writing.

Best,
Chris

Christopher S. Walters

Attorney

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From: cunninghamb@gtlaw.com [<mailto:cunninghamb@gtlaw.com>]

Sent: Thursday, June 13, 2013 3:40 PM

To: Garner K. Weng; Christopher S. Walters

Cc: barrowss@gtlaw.com

Subject: RE: Rocket Dog: settlement preparation follow-up

Garner and Chris,

I wanted to follow up on Sarah's email from earlier this week since we had not heard back from you. On our call last week, you had agreed in principal that, pending client approval, we should push back the due dates for outstanding discovery requests until after we have had more of a chance to work on settlement efforts. Please let us know if your client has signed-off on this plan. We would propose making the discovery due the same day as our CMC, which should give us adequate time to focus on settlement efforts.

Also, since it is already Thursday and we did not get a chance to follow up on our call from last week, we think it may be worth considering moving the upcoming telephonic meeting with Magistrate Judge Vadas back a week. This would provide us more time to discuss the settlement related issues and for you to provide us with further support for your positions, as discussed in last week's call.

Thanks,
Blake

From: Barrows, Sarah (OfCnsl-SFO-LT)

Sent: Tuesday, June 11, 2013 5:23 PM

To: gweng@hansonbridgett.com; cwalters@hansonbridgett.com

Cc: Cunningham, Blake (Assoc-SFO-IP-Tech)

Subject: Rocket Dog: settlement preparation follow-up

CONFIDENTIAL SETTLEMENT COMMUNICATIONS

FED. RULE OF EVIDENCE § 408

Garner and Chris,

I'm glad we had the opportunity to catch up last week.

With respect to the temporary stay on discovery as we prepare for our second settlement conference, have you received approval from your client on this issue?

In addition, per our discussion last week, we are providing you with some additional legal support for GMI's settlement position that we discussed last week.

As discussed, it is GMI's belief that Rocket Dog's attempts to enforce the \$680,000 accelerated royalty provision will fail as a matter of law and fact. The accelerated royalty provision is not enforceable where it acts as a penalty that is not tied to the actual amount of damages suffered. Please see the following cases as well as those cited in GMI's settlement statement:

- *Ridgley v. Topa Thrift & Loan Ass'n*, 17 Cal.4th 970 (1998)
- *Atel Financial Corp. v. Quaker Coal Co.*, 132 F. Supp. 2d 1233, 1238-39 (N.D. Cal. 2001)
- *Sybron Corp. v. Clark Hospital Supply Corp.*, 76 Cal. App. 3d 896 (1978)

Further, GMI believes Rocket Dog should consider the impact of Section 11.2 of the license agreement, which bars damages. As a general rule, such provisions are enforceable unless unconscionable or against public policy, which is not the case here. See e.g., *Civic Center Drive Apts. Ltd. v. SW Bell Video*, 295 F. Supp. 2d 1091, 11005-06 (N.D. Cal. 2003).

Best regards,
Sarah

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